

**AGENDA**



<b>RCA</b>	Austin City Council	<b>Item ID</b>	5176
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<b>Meeting Date:</b>	4/7/2011	<b>Department:</b>	Legal
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**Subject**

Authorize execution of an amendment to the professional services contract with Carrasquillo Associates, LTD for the National Power Rodding Corporation, Inc. v. City of Austin and Quadex lawsuit, the amount of the increase is \$110,000. This increase would bring the total amount of the professional services contract to \$140,000.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2010-2011 Budget of the Liability Reserve Fund.

**Fiscal Note**

<b>Purchasing Language:</b>	
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<b>Prior Council Action:</b>	
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<b>For More Information:</b>	Chris Coppola, 974-2268
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<b>Boards and Commission Action:</b>	
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<b>MBE / WBE:</b>	
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<b>Related Items:</b>	
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**Additional Backup Information**

This is an increase in a contract for the services of an expert witness in a breach of a construction contract case. The case name is: National Power Rodding Corporation, Inc. v. City of Austin and Quadex, Inc., No. D-1-GN-10-001620, In the District Court of Travis County, Texas, 353<sup>rd</sup> Judicial District. In the case, the Plaintiff alleges that the City specified a concrete product that would not work for the sewer rehabilitation project and that it has suffered damages of approximately \$700,000 as a result. This expert is a nationally known expert in concrete. He will review voluminous documents, perform appropriate testing, review testimony, and prepare a report and give testimony concerning his opinions on the reasons for any concrete failures on the project. The increase is needed because the case entails review of thousands of pages of documents, multiple depositions, providing a report, and providing testimony.